

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

INFINITY COMPUTER PRODUCTS, INC.,

Plaintiff,

v.

TOSHIBA AMERICA BUSINESS
SOLUTIONS, INC.,

Defendant.

Civil Action No.: 2:12-cv-06796-LDD

Judge: Hon. Legrome D. Davis

**DECLARATION OF ERIN C. KOLTER IN SUPPORT OF DEFENDANT TOSHIBA AMERICA BUSINESS
SOLUTIONS, INC.'S MOTION TO DISMISS FOR FAILURE TO PROSECUTE AND COMPLY WITH
COURT ORDERS**

I, Erin C. Kolter, hereby declare and state as follows:

1. I am an attorney with the firm Dorsey & Whitney LLP, counsel of record for Defendant Toshiba America Business Solutions, Inc. ("TABS") in this action. I am a member in good standing of the State Bar of California. I am over the age of 18, am competent to testify to the matters stated herein, and make this declaration in support of TABS's Motion to Dismiss for Failure to Prosecute and Comply with Court Orders based upon my personal knowledge.

2. Attached hereto as Exhibit 1 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/009,901, dated April 19, 2011, requesting *ex parte* reexamination of U.S. Patent No. 6,894,811.

3. Attached hereto as Exhibit 2 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/012,816, dated March 22, 2013, requesting *ex parte* reexamination of U.S. Patent No. 6,894,811.

4. Attached hereto as Exhibit 3 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/013,208, dated April

10, 2014, requesting *ex parte* reexamination of U.S. Patent No. 6,894,811.

5. Attached hereto as Exhibit 4 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/009,902, dated April 19, 2011, requesting *ex parte* reexamination of U.S. Patent No. 7,489,423.

6. Attached hereto as Exhibit 5 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/012,815, dated March 22, 2013, requesting *ex parte* reexamination of U.S. Patent No. 7,489,423.

7. Attached hereto as Exhibit 6 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/013,207, dated April 10, 2014, requesting *ex parte* reexamination of U.S. Patent No. 7,489,423.

8. Attached hereto as Exhibit 7 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/012,817, dated March 22, 2013, requesting *ex parte* reexamination of U.S. Patent No. 8,040,574.

9. Attached hereto as Exhibit 8 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/013,209, dated April 10, 2014, requesting *ex parte* reexamination of U.S. Patent No. 8,040,574.

10. Attached hereto as Exhibit 9 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/012,818, dated March 22, 2013, requesting *ex parte* reexamination of U.S. Patent No. 8,294,915.

11. Attached hereto as Exhibit 10 is a true and complete copy of the Request for *Ex Parte* Reexamination Transmittal Form in Reexamination Control No. 90/013,210, dated April 10, 2014, requesting *ex parte* reexamination of U.S. Patent No. 8,294,915.

12. Attached hereto as Exhibit 11 is a true and complete copy of a May 26, 2017 email from T. Vance Pearce, Jr. at Orrick to Mr. Bowden at tlblawplc@gmail.com, cc'ing, among other counsel, Paul Meiklejohn at Dorsey & Whitney LLP, counsel of record for TABS in the above captioned case.

13. Attached hereto as Exhibit 12 is a true and complete copy of a Final Rejection in

Reexamination Control No. 90/012,818, dated October 31, 2013.

14. Attached hereto as Exhibit 13 is a true and complete copy of *Ex Parte* Reexamination Certificate for U.S. Patent No. 8,294,915, dated March 21, 2014.

15. Attached hereto as Exhibit 14 is a true and complete copy of Response to Office Action of April 24, 2013 in Reexamination Control No. 90/012,818, dated July 24, 2013.

16. Attached hereto as Exhibit 15 are true and complete copies of Second Supplemental Amendment in Response to Notification of Defective Paper of April 19, 2012, Advisory Action of March 12, 2012, and Final Office Action of February 10, 2012, dated April 25, 2012, Supplemental Amendment in Response to Advisory Action of March 12, 2012 and Final Office Action of February 10, 2012, dated March 29, 2012, and Amendment in Response to Final Office Action of February 10, 2012, dated February 21, 2012, all in Reexamination Control No. 90/009,901.

17. Attached hereto as Exhibit 16 is a true and complete copy of *Ex Parte* Reexamination Certificate for U.S. Patent No. 6,894,811, dated July 31, 2012, and a Certificate of Correction for the same dated July 22, 2014.

18. Attached hereto as Exhibit 17 is a true and complete copy of Amendment in Response Office Action of February 10, 2012 in Reexamination No. 90/009,902, dated February 21, 2012.

19. Attached hereto as Exhibit 18 is a true and complete copy of *Ex Parte* Reexamination Certificate for U.S. Patent No. 7,489,423, dated May 1, 2012.

20. Attached hereto as Exhibit 19 is a true and complete copy of Response to Office Action of April 29, 2013 in Reexamination Control No. 90/012,817, dated July 26, 2013.

21. Attached hereto as Exhibit 20 is a true and complete copy of *Ex Parte* Reexamination Certificate for U.S. Patent No. 8,040,574, dated March 17, 2014.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

DATED this 9th day of June, 2017 at Seattle, Washington.

/s/ Erin C. Kolter
Erin C. Kolter

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2017, a copy of the foregoing documents entitled
DECLARATION OF ERIN C. KOLTER IN SUPPORT OF DEFENDANT TOSHIBA
AMERICA BUSINESS SOLUTIONS, INC.'S MOTION TO DISMISS FOR FAILURE TO
PROSECUTE AND COMPLY WITH COURT ORDERS AND ATTACHED EXHIBITS were
filed electronically with the Electronic Court Filing (CM/ECF) system of the United States
District Court for the Eastern District of Pennsylvania, which will provide an electronic notice
and copy to the attorneys of record for the parties. A copy of this filing has also been served by
U.S. First Class Mail on Plaintiff at the following address of record:

Infinity Computer Products, Inc.
315 Saybrook Road
Villanova, PA 19085

/s/ Paul T. Meiklejohn
Paul T. Meiklejohn